

INTERIM JOINT COMMITTEE ON EDUCATION

Subcommittee on Elementary and Secondary Education

Minutes of the 1st Meeting of the 2004 Interim

August 9, 2004

The 1st meeting of the Subcommittee on Elementary and Secondary Education of the Interim Joint Committee on Education was held on Monday, August 9, 2004, at 10:15 AM, in Room 129 of the Capitol Annex. Representative Jim Thompson, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Jim Thompson, Co-Chair; Senator Lindy Casebier, Co-Chair; Senator Brett Guthrie; Representatives Derrick Graham, Harry Moberly, Frank Rasche, and Charles Siler.

Legislative Guest: Representative Hubert Collins

Guests: Linda Pittenger, Jennifer Carroll, Kentucky Department of Education; Phillip Rogers, Dee Jones, and Robert Brown, Education Professional Standards Board; Clyde Caudill; Kathy Lousignont and Kristin Hoffman, Partners for Kentucky's Future; and Wayne Young, Kentucky Association of School Administrators.

LRC Staff: Audrey Carr, Janet Stevens, and Jo Ann Paulin.

Representative Thompson introduced Senators Blevins, Rhoads, Representatives Cherry, and Edmonds as new members of the committee. Representative Siler has requested to be placed on the Postsecondary Subcommittee and Representative Collins has requested to be placed on this subcommittee.

Representative Thompson said the committee would begin with discussion of HB 178 which passed in 2004. This bill allows students to complete a GED while they are still enrolled in high school. In April 2004, the Kentucky Board of Education approved the creation of a state approved secondary GED option to align with the provisions of HB 178. The guidelines were established with the GED testing service. Although the state board has not given final approval to this program, Kevin Noland, Deputy Commissioner and Starr Lewis, Association Commissioner from the Department of Education gave an update on the program. Joining them was B. J. Helton, Kentucky GED Administrator from the Council on Postsecondary Education.

Mr. Kevin Noland said that Representative Jack Coleman of this committee sponsored HB 178 in 2004. Mr. Dick Webb, Superintendent of Burgin Independent Schools and Mr. H. M. Snodgrass, Superintendent of Harrodsburg Independent Schools were concerned about students who were a couple of grades behind their peers. They were giving up and as soon as they turned 16 they were dropping out of school. The two superintendents wanted to help these students in any way possible. This program is not intended to push low performing students out and is only intended as a last resort for dropouts. Under the current law there were no incentives for high schools or districts to continue to try to reach these students. They were counted as dropouts even if they got back into a GED program. The bill allows schools to reach a narrow population of students. If they are able to either complete a program in a school district, in a district contracted secondary GED program, or if they withdraw and complete the GED adult program in one year, then they will not be counted as a dropout against that school. Also the other provision of HB 178 provides that a student will be included in the annual average dropout rate of the school if the student was enrolled for at least thirty days during the school year prior to the day he or she was recorded as dropping out of school.

Mr. Noland said that there is a national organization, the American Council for Education (ACE), that is in charge of GED. They require that there be state standards that meet certain criteria in order for this type of GED program to be offered. HB 178 does not require school districts to offer this program. It is voluntary. Mr. Noland said they are trying to get input as to what those standards should be. Later this week the Kentucky Board of Education is meeting at which time they will discuss this program. At their meeting in October they will take action. Mr. Noland said the department wanted input from subcommittee members and eventually the regulation will come back to this committee for review and approval. The program was only for those students who are down to their last option.

Starr Lewis said at this point the department has been talking to as many stakeholders as possible. There are pretty strong and mixed emotions as to whether or not there needs to be such a program in place for students. The department has talked with the Association of School Superintendents, secondary school principals, directors of pupil personnel, and Kentucky High School Athletics Association. They all have questions about how this might work.

Ms. Lewis said the department has drafted a regulation and they have looked at the standards of the American Council of Education (ACE). The ACE requires that students receive counseling, have a certain number of hours of instruction, and also have all sort of supports in place to help them be successful. They also require that there be some eligibility standards for the students to try to insure that they are successful.

Ms. Lewis said the ACE requires that the students be credit deficient. The state has to define what that means. Right now the regulation states that they have to be two years behind in terms of credits toward graduation. Some think there should be a stricter standard yet others feel it should be more lenient. The department is holding discussions right now on this issue. The two elements that they have heard the most discussion is about athletes and special education students. None of these students would be eligible for sports activities if they meet the criteria of being credit deficient. Special education students would have to meet the same eligibility requirements of any other student. Also their admission and release committee would have to agree that this was an appropriate placement for this particular student.

Ms. Lewis said they were trying to get as much input as possible in the drafting of the regulation and making the determination about what the program will finally look like. They also have a draft application to the American Council for Education, laying out what the department is considering to be the standards for Kentucky.

Representative Collins asked what the present requirements were for getting into the GED program. Ms. B. J. Helton said right now the requirement is that they have to be at least 17 years of age, and have been withdrawn for one year from school, or their last class has to have graduated. Mr. Noland said that there is another exception and that is if the superintendent will give an exception signed indicating exigent circumstances.

Representative Collins asked if a student dropping out at 16 needed the signature of a parent. Ms. Helton said a signature of the parent was not required but they would need an exigent waiver by the school superintendent. Mr. Noland said that under the statute that talks about compulsory school attendance age they are allowed to drop out. They are counseled on the risk of leaving school and the pros and cons of dropping out to persuade them against doing so. Representative Collins said it would seem that if 18 is legal age for making most decisions as an adult, why then could they make this decision without the signature of their parents. Mr. Noland said that a bill could be enacted to improve on this policy. Representative Collins said a lot of students want to drop out and this may give them an incentive to do so and get a GED. Ms. Lewis said that in the application it insures that the students that enter into this program have consultation with their parent or guardian.

Representative Thompson said he also has concerns that this doesn't become the holding tank for students that are not being successful. He asked if the department considered this as stage three since as of now there is regular high school and alternative programs which are considered stage one and stage two. Ms. Lewis said yes and it is also considered as the last resort option as well. Representative Thompson said that obviously there will be far less students in this programs than in the alternative school programs. Ms. Lewis said that the ACE describes it as a niche program for a very small number of students. They do not see this as an appropriate option for large numbers of students.

The roll of the state's Department of Education would be to monitor the students that are in the program. In fact, they would have to send to ACE data about how many students are in the program and the demographic make up of those students.

Representative Thompson asked what scenario does the department visualize that a special education student would become involved in this program. Ms. Lewis said the special education student would have to have strong enough skills to meet the minimum cut off for entry into the program. There would have to be strong indication of being successful in the program. Mr. Noland said that it would also have to be reflected in the student's individual education plan that this would be the appropriate avenue for the education for this student. Parents and other teachers would have a roll in deciding whether this is the best course of action. Ms. Helton said there is also a provision for them to receive accommodations on the GED.

Representative Thompson asked if the department had any qualms, as far as the federal guidelines are concerned, about getting approval for this program. Mr. Noland said they have had conversations and they are coming up with criteria to meet the national organization's standards and they didn't expect any problems. The federal government is not involved.

Representative Siler asked if the mandatory instruction would be during the school day, in the evening, or at the pleasure of the student. Mr. Noland said that the minimum is 15 hours per week and that was something the local school districts would decide. Representative Siler said this might lead some to go ahead and drop out instead of staying in the mandatory instruction time frame if it was more convenient for their circumstances. Ms. Helton said they currently have the option of doing that but they have to meet a waiting requirement if they are not 17. If they drop out currently and they don't meet the eligibility requirements, they can enroll in the adult education programs which is separately funded. The requirement is that they be officially withdrawn and be at least 16. They can't take the test until they meet the eligibility requirement.

Representative Collins asked if the diplomas are the same. Mr. Noland said the student would still have to have the cognitive ability to meet the standards and the diplomas are the same. Another option that local school boards issue is a certificate of completion that is given when the student, because of the disability, is not able to complete the normal high school education requirements. Representative Collins said the business community complains that the graduates coming into the workforce with a regular diploma cannot always perform and maybe the diplomas needed to be different to distinguish that these are not graduating seniors. Ms. Helton said because of the ADA requirements, GED gives the same diploma. It cannot be distinguished between those that have accommodation testing from those that do not.

Representative Thompson asked what was their sense of commitment and what base of support they have for this program. Ms. Lewis said their responses have been very positive. The superintendents say that it is a program that they need and they will make sure that it is not abused. That doesn't mean they have one hundred percent positive response but to date it has been very positive. Representative Thompson asked if they generally feel it will be accepted and if most school systems will offer some part of this program. Ms. Lewis said they had no indication how many districts have intentions of putting the program in place. The reservations are around the notion of this being considered and kept for a niche program for a very few students. Everyone wants to make sure it remains that type of program rather than a broad base program. Representative Thompson said that they need to go into the program with the idea that it will be closely monitored and requirements will be rigid and uniform, yet realistic enough to allow it to function for this small number of students. Mr. Noland said that after the school districts have had time to implement this program the department will collect data on how well they are doing and will report back to the committee on which school districts are participating, how many students are in it, and how well it is being administered. He said improvements could be made in the statute if needed.

Representative Thompson asked what time frame they envision. Ms. Lewis said their intent was to send in their application to the ACE soon. She said they were under the impression that it needed to be in place during this up coming school year. ACE said they don't see a problem with getting the application approved to do so.

Representative Moberly asked if it was anticipated if these programs would be for students that come in with regular time as other students. Would they function with the general population of the school in extracurricular activities? Ms. Lewis said that depended on how the district set up the program. They might set it up during the regular school time. These students would not be eligible to participate in school athletics but they could participate in other activities at the school. Mr. Noland said the athletics is an issue of KHSAA bylaws that say you have to be academically on grade level to participate in athletics. These have to be students that are operating behind grade level. They will be kids that have dropped out, or are on the verge and guidance counselors and teachers have tried every other option with them. That is why the ACE requires the department to have these state standards to make sure this is not a way to funnel out of the school system the poor performing or discipline problem students but rather is a narrow niche for only those students who have this option or drop out. It is also an incentive to the school and district to keep trying with that student. The bill provides that the student will not be counted as a dropout if they are able to save the student in this way.

Representative Moberly asked if the legislation requires them to take the assessment. Mr. Noland said that was a provision to ensure that this was not a way to take a low performing student so they would not have to take CATS and score against the

school. Representative Moberly wanted to know how they were going to figure what their grade level was for the purpose of taking the assessment if they are in the GED program. Ms. Lewis said by the number of credits they have. Mr. Noland said this would typically be a high school student and you would look at the number of credits they have and that is what grade you would place them on. Representative Moberly said he had a concern that somebody could be interpreted as never being at a grade level where they would have to take the assessment. Mr. Noland said that regardless at what level they test on the fact that they are enrolled in that school shows they exist and they are counted as a part of that school's participation rate and are required to test that student or they get a zero for that student. Representative Moberly said he wanted more information as to how the school is going to determine at what grade level that student is when they get into the GED program just to make sure there is not a loophole.

Representative Moberly asked if they could participate in all other activities except athletics because of the KHSAA rules. Mr. Noland said there would no reason why they couldn't participate in the others because they would officially be enrolled in the high school. If that student meets the school council policy on participation they could participate. Representative Moberly said that theoretically they could come in every day and be in band and other clubs but not in the regular academic program. Representative Thompson thanked the presenters for their participation.

Representative Thompson said the Education Professional Standards Board (EPSB) is in its second year of a pilot project that allows a select group of new teachers to participate in a two year teacher intern program. The project has given the Professional Standards Board a means to experiment with the way teacher interns are supported. He introduced Dr. Phillip Rogers who is the Division Director.

Dr. Rogers said that in the meeting folders there was a handout that has the three priorities of the grant and the progress they are making. He highlighted the three priorities of the program. They were: a) to improve teacher performance relative to EPSB standards and P-12 student achievement; b) to ensure that teacher preparation programs are preparing new teachers with content knowledge that aligns with Kentucky's Core Content for Assessment; and c) to collect and use performance accountability data.

Dr. Rogers highlighted the progress of the data collecting and sharing. He also explained the progress of performance accountability. He said the focus of this grant was to look at KTIP and teacher preparation in light of student learning. He noted that the 11.4 million dollar three-year grant was delayed four months because they didn't know they couldn't hire people as temporary federal grant employees. The four persons that are employed on the Teacher Quality Enhancement Grant are employed by the Northern Kentucky Cooperative for Educational Services. Also, he said the EPSB was given preliminary notification by USDOE that a no-cost one-year extension will be approved.

To benefit from the extension, the EPSB will be requesting the 2005 Legislature to extend the Teacher Quality Enhancement Grant for an additional year.

Dr. Rogers said in closing that he had included a comment from the external evaluation team from the University of Tennessee. He said the project is very complex and it has a lot of components. They are very pleased with the progress they have made.

Representative Thompson said through the years he had been skeptical about the amount of time involved in the portfolio process because universally talking to beginning teachers this is one of the things they feel is a burden. He related a story about his daughter-in-law who went for a job interview in Georgia and how the principal was so impressed with her portfolio that he asked if he could take it to his county wide administrator meeting that afternoon. Shortly thereafter she was offered a job in an adjoining county which was the county of her choice. It was almost unheard of new teachers being employed there. She felt her portfolio strengthened her case and her position enough that she was offered a job and she took it. Representative Thompson said it strengthens the position of Kentucky teachers.

Representative Thompson said the last item on the agenda was HB 402 that required this committee to conduct a study on the effectiveness and efficiency of the teacher and principal intern programs and to make recommendations back to LRC. The study was begun in 2002. The final chapter of the report is a part of the record along with a separate page containing the recommendations of the study. The committee will answer questions at the November meeting and take final action. The staff will provide anyone with a copy of the full report if needed.

Representative Collins asked if an intern principal was required to have had teaching experience. Dr. Rogers said if they go through the normal route they do but there are alternative ways for principals. There is no principal internship program. Representative Collins asked if this was a good thing and Dr. Rogers said it was to be seen. There are people who have a disposition for being a principal and they do very well. Others find out it is not like running a grocery store and they don't do very well. Most of the universities do provide mentors for this group.

Representative Thompson said we face a real challenge in keeping these programs in tact. Teacher interns and principal interns have great merit.

Representative Thompson said the next meeting of the subcommittee will be a site visit to Oldham County School District on August 25. He reminded everyone that there was an Education Showcase next door in Room 149 and he invited everyone to attend. There were 16 displays that highlight creative educational programs. It begins at 11:30.

There being no further business before the subcommittee the meeting was adjourned at 11:00 a.m.